



# **Convention on the Rights of the Child**

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## **Committee on the Rights of the Child**

**Sixty-first session**

17 September–5 October 2012

### **Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**

**List of issues concerning additional and updated information related to the consideration of the initial report of Albania (CRC/C/OPSC/ALB/1)**

**Addendum**

**Written replies of Albania\***

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

## **Reply to the issues raised in paragraph 1 of the list of issues (CRC/C/OPSC/ALB/Q/1)**

1. Albania has criminalized child prostitution, child exploitation and production and dissemination of child pornography. The Criminal Code provides:

(a) Article 124/b “Ill-treatment of minors”: The physical or psychological ill-treatment of minors by the parents, sister, brother, grandmother, grandfather, legal custodian or any other person who is obliged to take care of him/her, is punishable with imprisonment, from three months to two years. Forcing minors to work, provide income, beg or commit actions which harm his development, are punishable with imprisonment up to four years, and with fine from fifty thousand leks to one million leks. When serious physical harm or death is caused by this act, it is punishable with imprisonment from ten to twenty years.

(b) Article 117 “Pornography”: Producing, delivery, advertising, import, selling and publication of pornographic materials in minors’ premises constitute criminal contravention and are punishable by a fine or up to two years of imprisonment.

(c) Article 128/b “Trafficking of Minors”: The recruitment, sale, transport, transfer, hiding or reception of minors with the purpose of exploitation for prostitution or other forms of sexual exploitation, forced services or work, slavery or forms similar to slavery, putting to use or transplanting organs, as well as other forms of exploitation, are punished with imprisonment of from 7 to 15 years and with a fine of from four million to six million leks. The organization, management and financing of the trafficking of minors is punished with imprisonment of from 10 to 20 years and with a fine of from six million to eight million leks. When this offence is committed in collaboration or more than once, or is accompanied by mistreatment and making the victim commit various actions through physical or psychological force, or brings serious consequences to health, it is punished with imprisonment of no less than 15 years and with a fine of from six million to eight million leks. When the offence has brought about the death of the victim as a consequence it is punished with imprisonment of no less than 20 years or with life imprisonment, as well as with a fine of from eight million to 10 million leks. When the criminal offence is committed through the utilization of a state function or public service, the punishment of imprisonment and the fines are increased by one fourth of the punishment given.

2. Since the year 2008, Albania has established a system of data collection of trafficking offences. The database is the only source of statistics and information on THB in Albania. The information derived from this database is fully analyzed. The database is going under major upgrading. New rubrics with data on traffickers have been provided in the new upgraded Database on Victims of Trafficking. The new program will serve to create a clear profile of victims of trafficking and traffickers, as well manners of recruitment, transportation, and forms of exploitation etc. Already the new version of the program is on the testing phase in the General Directorate of State Police and other users, with aiming at making it fully operational within the first semester of 2012.

## **Reply to the issues raised in paragraph 2 of the list of issues**

3. *In 2009:* For the penal offense prescribed under Article 100 of the Penal Code, “Sexual or homosexual intercourses with minors”, the accusing organ of Prosecution has recorded 19 cases with 11 defendants. For the penal offense specified under Article 101 of the Penal Code, “Sexual or homosexual assault of minors from 14 to 18 years of age”, the Prosecution has recorded 16 cases with 11 defendants. For the penal offense prescribed under Article 108 of the Penal Code, “Indecent acts with minors under the age of 14 years”, 7 penal offenses have been recorded including 4 defendants. For the penal offense specified

under Article 114/a, employment of prostitution with minors in aggravating circumstances, 13 cases are recorded including 6 defendants. For the penal offense laid down in Article 128/b.1, "Trafficking in of minors", one penal offense is recorded with no defendant.

4. *In 2010*: For the penal offense prescribed under Article 100 of the Penal Code, "Sexual or homosexual intercourses with minors", the Prosecution organ recorded 16 cases with 3 persons under investigation and 12 defendants. For the penal offense specified under Article 101 of the Penal Code, "Sexual or homosexual assault of minors from 14 to 18 years of age", the Prosecution has recorded 9 cases with 5 persons under investigation and 5 defendants. For the penal offense prescribed under Article 108 of the Penal Code, "Indecent acts with minors under the age of 14 years", 11 penal offenses have been recorded including 1 person under investigation and 10 defendants. For the penal offense specified under Article 114/a, employment of prostitution with minors in aggravating circumstances, 29 cases are recorded including 7 persons under investigation and 12 defendants. For the penal offense laid down in Article 128/b.1, "Trafficking in of minors", 5 penal offenses are recorded with 5 persons under investigation and no defendant.

5. *In 2011*: For the penal offense prescribed under Article 100 of the Penal Code, "Sexual or homosexual intercourses with minors", the Prosecution organ has recorded 14 cases with 7 persons under investigation and 6 defendants. For the penal offense specified under Article 101 of the Penal Code, "Sexual or homosexual assault of minors from 14 to 18 years of age", the Prosecution has recorded 12 cases with 4 persons under investigation and 5 defendants. For the penal offense prescribed under Article 108 of the Penal Code, "Indecent acts with minors under the age of 14 years", 5 penal offenses have been recorded including 2 persons under investigation and 3 defendants. For the penal offense specified under Article 114/a, employment of prostitution with minors in aggravating circumstances, 21 cases are recorded including 5 persons under investigation and 8 defendants. For the penal offense laid down in Article 128/b.1, "Trafficking in of minors", 2 penal offenses are recorded with 0 person under investigation and 0 defendant.

#### **Reply to the issues raised in paragraph 2 (b) and (c) of the list of issues**

6. *In 2011*: Statistical data of the Prosecution General state that 3 female minors were harmed by commitment of the penal offense of "Sexual or homosexual intercourse with minors", specified under Article 100 of the Penal Code. For the penal offense specified under Article 101 of the Penal Code, "Sexual or homosexual assault of minors from 14 to 18 years of age", the Prosecution has recorded 2 injured female minors. For the commitment of the penal offense prescribed under Article 106 of the Penal Code, "Sexual or homosexual intercourse with next of kins or with persons under guardianship", one injured female minor is recorded, while for the penal offense specified under Article 108 of the Penal Code, "Indecent acts", one female minor is recorded. For the penal offense of "Employment of prostitution under aggravating circumstances", specified in Article 114/a, 4 female minors were injured. One female minor results damaged in 2009 and one female minor in 2010 by the commitment of the penal offense of "Sexual or homosexual intercourses with minors". For the penal offense prescribed under Article 101 of the penal Code, "Sexual or homosexual assault of minors from 14 to 18 years of age", it results that 1 male minor and 3 female minors were injured in 2009, while 2 female minor was harmed in 2010. For the penal offense specified in Article 108 of the Penal Code, "Indecent acts", with minors who are under the age of 14 years, one female minor results injured in 2009 and one female minor in 2010.

Trafficking of minors (128/b): (Prosecutions)

Year 2009: perpetrators prosecuted - 20

Year 2010: perpetrators prosecuted - 29

Year 2011: perpetrators prosecuted - 27

Trafficking of minors (128/b): (Convictions)

Year 2009: convictions - 3

Year 2010: convictions - 3

Year 2011: convictions - 4

Potential/Victims of trafficking identified according to the Standard Operating Procedures for the Identification and Referral of Potential/Victims of Trafficking:

2009: potential/victims of trafficking - 22

2010: potential/victims of trafficking - 14

2011: potential victims of trafficking - 39

7. All the identified potential/victims of trafficking (both adults and minors) receive special care in shelter or in community. Upon identification and referral in the shelter, the multidisciplinary team of the shelter carries out an evaluation of the situation of the victim and his/her needs. The victim/potential victims of trafficking receive various services within the shelter or at home. All the victims/potential victims of trafficking identified receive the following services:

- (a) Psycho-social assistance/ counseling;
- (b) Legal Assistance;
- (c) Medical Assistance;
- (d) Education;
- (e) Assistance in finding employment;
- (f) Assistance for the children of the beneficiaries;
- (g) Financial support and long-term accommodation;
- (h) Shelters also provide;
- (i) Social activities outside the shelter;
- (j) Occupational activities;
- (k) Reunion with families;
- (l) Monitoring and follow up of cases.

8. Ill treatment of children: During 2011, there were four cases referred up to the article 124/b of the Criminal Code. Prosecution procedures are ongoing.

### **Reply to the issues raised in paragraph 3 of the list of issues**

9. Albania has approved The "National Action Plan on the fight against trafficking in human beings, and its supplementing document the "National Action Plan on the fight against trafficking in children and protection of children, victims of trafficking 2011-2013", with DCM no.142 of 23.2.2011. This is the main strategic document on the prevention and fight against trafficking in persons. The Albanian response against TIP is comprehensive. It contains four pillars: criminal prosecution, protection and assistance of victims of trafficking, prevention and coordination/partnership. The Supplementing Document (action plan on child trafficking) provides for specific activities that emphasize to:

- (a) Increase the number of successful criminal prosecutions and identification of new cases of internal and trans-national trafficking for all forms of exploitation of children, in particular labour and begging exploitation, and making sure the criminal proceedings are

appropriate and sensible towards children, while guarantying the best interests and rights for the children;

(b) Ensure the identification, referral, and provision of protection and re-integration services for children victims of trafficking.

10. This Action Plan mobilizes and requires the commitment of numerous agencies that operate in this field. The coordination of activities is conducted by the Office of the National Coordinator in the Fight against Trafficking in Persons. On this end, the Office of the Anti-trafficking Coordination takes full ownership to put in place an efficient coordination mechanism for the foreseen activities in this Action Plan. This Action Plan expresses the full willingness of the Albanian agencies to mobilize all the resources available, to create and put in place all the mechanisms, to guide and train all the human resources in implementing fully the foreseen activities in this Action Plan, activities approved by all the responsible agencies involved.

### **Reply to the issues raised in paragraph 4 of the list of issues**

11. Albania has a cross-sectoral Strategy of the Fight against Organized Crime, Trafficking and Terrorism. The Strategy aims at:

- (a) Identifying by analysis the causes of the development of organized crime;
- (b) Set measurable goals in the fight against organized crime;
- (c) Enhance cooperation between law enforcement agencies.

12. In the Ministry of Interior is operational the Internal Control Service, an agency that guarantees to the community an accountable and transparent police service, in full compliance with legislation and standards. The Internal Control Service has a toll free number where citizens can call to denounce inappropriate behavior by the police services. There are no cases of police staff involved in THB directly or indirectly.

### **Reply to the issues raised in paragraph 5 of the list of issues**

13. Since July 2005, the Government of Albania has established a National Referral Mechanism for the identification and assistance to victims of trafficking in close collaboration with victim service providers and non-governmental organizations. This Cooperation Agreement ensures the identification, referral, rehabilitation and reintegration of victims of trafficking by governmental and non-governmental agencies.

14. At the time being, the Office of the National Anti-trafficking Coordinator is reviewing this agreement with the aim of:

- (a) Further clarifying the roles and duties of the signatories;
- (b) Improving the system of implementing and monitoring the mechanism;
- (c) And accommodating new parties in the agreement capable to assist in the identification and protection of victims/potential victims of trafficking.

15. The process of amending the National Referral Mechanism is in full compliance with Standard Operating Procedures, a document which has been approved by Decision of Council of Ministers in July 2011. These procedures focus on the identification and referral of victims and potential victims of trafficking, with a special focus and attention in children, and constitute concrete, sequential and quantifiable steps to be taken by each institution, shelter or organization involved in the process of identification and referral.

16. Regional Anti-trafficking Committees (RACs) are the main structures responsible for the coordination of all anti-trafficking efforts at a local level in order to prevent the phenomenon of trafficking in persons. The Office of the National Anti-trafficking Coordinator, in close collaboration with OSCE, has carried out a cycle of trainings for RACs beginning from October 2010 till December 2011 in the 12 qarks of the country. Main subjects of these trainings were related to the increase of capacity of these committees, introduction to legal and institutional framework and practical aspects of committees' functioning, improving coordination of actions and exchange of information among anti-trafficking actors at local level, and unification of their work practices. 360 persons, members of all twelve RACs, have participated in these trainings, together with other actors, as well as civil society.

17. Albania has adopted by Decision of Council of Ministers no.582, dated 27.07.2011 "Standard Operating Procedures (SOP-s) for the Identification and Referral of Victims/Potential Victims of Trafficking" generated by the Office of the National Anti-trafficking Coordinator in a comprehensive process with all government and non-government actors involved in the fight against trafficking in persons. These procedures focus on the identification and referral of victims and potential victims of trafficking, with a special focus on children victims of trafficking or at risk of being exploited among other things for sexual purposes in three situation: inside the territory of Albania, at the border and outside the territory of Albania. They constitute concrete, sequential and quantifiable steps to be taken by each institution, shelter or organization involved in the process of identification and referral. With the respective trainings carried out until May 2012, these procedures have proven of special help to local structures part of RACs that have a direct contact with victims of trafficking, potential victims and other vulnerable persons.

18. In pursuance of the Law no.10347, date 04.11.2010 "On the Protection of Child's Rights" and its bylaws, the Office of the National Anti-trafficking Coordinator is closely cooperating with the Prefects of all qarks, in the capacity of the Chairs of RAC-s, in order to help in the process of establishing Child Protection Units (CPU) at every municipality/commune level. These CPUs are the main local structures responsible for identification, assessment, and referral of children at risk. To date there are 28 CPU-s distributed in all Albania.

### **Reply to the issues raised in paragraph 6 of the list of issues**

19. The Government of Albania has adopted by the Decision of Council of Ministers no.142, date 23.02.2011, the "National Action Plan for the Fight against Trafficking in Human Beings 2011-2013" and its supplementary document "National Action Plan for the Fight against Trafficking in Children and Protection of Children Victims of Trafficking 2011-2013" in implementation of National Strategy on Combating Trafficking in Human Beings 2008-2010. The ultimate purpose of these documents is that concrete measures are taken toward the investigation, fight against and prevention of trafficking in persons. They constitute the main monitoring instrument for the implementation of anti-trafficking legislation, policies and measures. After the publication of these action plans, the Office of the National Anti-trafficking Coordinator has delivered instructions to all actors involved, in order for them to design concrete and specific plans for fulfillment of every task and duty they are held accountable of in the action plans. The responsible structure for monitoring the implementation of the action plans is Office of the National Anti-trafficking Coordinator and it is done through a follow up process of these concrete plans and regular meetings organized to this purpose.

20. These action plans are drafted by the Office of the National Anti-trafficking Coordinator in a comprehensive process with all governmental and non-governmental actors involved in the fight against trafficking in persons comparative to the complex nature

of the phenomenon of trafficking. This partnership is reflected in the action plans which foresee concrete collaborations and responsibilities for these agencies and organizations.

21. According to Albanian Criminal Code, a person bears criminal responsibility, if at the time when committed the crime, s/he has reached the age of fourteen; a person bears responsibility for a criminal contravention starting at the age of sixteen. In accordance with international instruments (United Nations and European Council Conventions), already ratified by Albania, children who are exploited for sexual purposes, i.e. children victims of trafficking, are not subject to criminal proceedings or punishment. These instruments are incorporated as part of our legislation and they take precedence over Albanian internal law. Thus, every standard set by these instruments, when in contradiction with internal law, is immediately implemented by law enforcement structures.

### **Reply to the issues raised in paragraph 7 of the list of issues**

22. In accordance with the Albanian Criminal Code, Article 113, the exercise of prostitution is punishable by fine or imprisonment up to three years without specifying whether the person who prostitutes is an adult or a minor. In practice, when this person is a minor, s/he is not subject to criminal prosecution and punishment, and is referred to rehabilitative centers with the purpose of reintegrating the minor into the society. As to children who have turned into recruiters of exploiters of prostitution, to date we do not have statistics related to such cases.

### **Reply to the issues raised in paragraph 8 of the list of issues**

23. Having regard to the legal framework related to pornography of children in internet, it should be stated that it is complemented with law no. 9859, dated 21.01.2008, "On some amendments and alternations to law no. 7895, dated 27.01.1995, "The Penal Code of the Republic of Albania", revised. Actually, Article 117, the second paragraph, specifies that: "Exploitation of minors for production of pornographic materials and also their dissemination and publication in internet or through other forms, is punished by imprisonment from one to five year and with fines from one million to five millions ALL".

24. In law no. 9918, dated 19.05.2008, "On electronic communications in the Republic of Albania", Article 15 specifies the general conditions for the general authorization. The Authority of Electronic and Postal Communications (AEPC) determines, among others, the conditions also for limitation of substantial transmissions in the event of violation of legal framework specified under point e).

25. Among other measures taken related to this aspect we can mention the following:

(a) On February 7, 2012, on the occasion of the international day for a Safe Internet, a round table talk was organized: "All together for a safer internet", which aimed at establishing the Codes of Ethics in national level;

(b) Consciousness-raising campaigns have been conducted for a safer internet for children, against harmful and inappropriate contents; also a series of television programs have been transmitted, etc.;

(c) Informative and awareness-raising brochures have been produced and disseminated about how to protect children in online settings; a cycle of seminars have been organized in cooperation with the Ministry of Education and Science at several schools in Tirana and Durres cities;

(d) The Minister for Innovation and Information and Communication Technology along with the Ministry of Education and Science are working out a joint

project on “Safe online navigation for children”, which will provide further details of activities to be undertaken within such framework.

### **Reply to the issues raised in paragraph 9 of the list of issues**

26. The Albanian Criminal Code (Article 45) and the Law no.9754, dated 14.06.2007 "On the Criminal Liability of Legal Persons" provide for the criminal responsibility of legal persons, including corporations, for criminal offences committed in the name or on behalf of organisms and their representatives.

27. The Criminal Code and the above mentioned law define that the legal person is held criminally responsible for all committed criminal acts (hence for the sale of children, child prostitution, and child pornography) on behalf of his/her name or in his/her benefit by bodies or its representatives; on behalf of or in his/her benefit by a person who is under the authority of the person representing, leading and administering the legal person or on behalf of or in his/her benefit, because of the lack of supervision and control by the person who is directing, representing and administering the legal person. The law foresees that the organism and the representative of the legal person that acts in the name or on behalf of the legal person is any natural person responsible for representing, directing, administering or monitoring of the activity and structures of the legal person.

28. The Ministry of Tourism, Culture, Youth and Sports and the Ministry of Interior continue to promote, implement and monitor the Global Code of Ethics and the Code of Conduct for Prevention of Sexual Exploitation of Children in Tourism in Albania pursuant to the Memorandum of Understanding signed in 2007. At the time being, the Ministry of Tourism is working in close collaboration with the private sector on the new law “On Tourism” which will include the Global Code of Ethics and the Code of Conduct for Prevention of Sexual Exploitation of Children in Tourism, which is expected to be approved within the first semester of 2012. It will provide liability for acts or omissions related to the sale of children, child prostitution, and child pornography.

### **Reply to the issues raised in paragraph 10 of the list of issues**

29. The legal measures concerning the definition of jurisdiction have been set in articles 5, 6, 7 and 7 (a) of the Criminal Code. Article 5 gives the definition of the “Territory of Republic of Albania”. According to Article 6 of the Albanian Criminal Code “Applicability of the criminal law for criminal offences perpetrated by Albanian nationals”, for criminal offences committed within the territory of Republic of Albania, the Penal law of Republic of Albania is applicable. For criminal offences committed by Albanian nationals within the territory of Republic of Albania, the penal law of Republic of Albania is applicable. The penal law of Republic of Albania is also applicable for an Albanian national who commits a crime in the territory of another state, when that crime is also punishable and unless a final judgment is rendered by a foreign tribunal. In the meaning of this Article, Albanian nationals shall be also considered those nationals, who apart from Albanian, they do also possess another citizenship.

30. Article 7 “Applicability of the criminal law for criminal offences committed by foreign citizens”: A foreign citizen who commits a penal offence in the territory of Republic of Albania is liable under the penal law of Republic of Albania. The Penal Law of Republic of Albania does also apply to a foreign citizen outside the territory of Republic of Albania, when he/she commits the following crimes that are detrimental to the interests of the Albanian state:

- (i) organization of prostitution, illegal trafficking in human beings, children, women, manufacturing and illicit trafficking of arms, drugs, other narcotic and

psychotropic substances, nuclear substances, pornographic materials and illicit trafficking of art works and relics of historical value;

(ii) crimes that are detrimental to the life and health of Albanian citizens, for which the law stipulates punishment with over 5 year prison terms or any other more severe punishment.

31. Legal provisions that establish the extension of criminal law over persons with Albanian citizenship found to be in the territory of Republic of Albania, but who have committed a crime in another country are stipulated in Article 6 “Applicability of the criminal law for criminal offences committed by Albanian citizens”. The second Paragraph (6/2) of the Penal Code that reads as follows: “The Penal Law of Republic of Albania does also apply to an Albanian citizen who commits an offence in the territory of another state, when the crime is also punishable, unless a foreign court has rendered a final judgment”. In the meaning of this law, Albanian citizens shall be also considered those persons, who apart from Albanian bear another citizenship, too.

### **Reply to the issues raised in paragraph 11 of the list of issues**

32. The Constitution of the Republic of Albania prescribes that extradition is allowed only then when it is explicitly specified in international agreements in which the Republic of Albania is a party, and only based on law-court decision (Article 39). Relations with foreign authorities in the area of penal issues are governed by the international agreements accepted by the Albanian state, by the principles and rules of international law generally recognized, and also by provisions of procedural penal laws. Thus, the procedural penal law on jurisdictional relations with foreign countries (The Code of Penal Procedures of the Republic of Albania and Law no. 10193, dated 03.12.2009, “On jurisdictional relations with foreign authorities on penal issues”), lays down that the surrender of a person under investigation, accused or convicted, to a foreign country is carried out based on the rules of Albanian laws and international agreements in which the Republic of Albania is a party. The Republic of Albania is a state party with full rights and obligations in the Convention of the Council of Europe “On extradition”, and also including its three protocols (law no. 8322, dated 02.04.1998 and law no. 10426, dated 02.06.2011).

33. Also, according to Article 11 of the Penal Code of the Republic of Albania, extradition is allowed for the cases when the subject-matter of the request for extradition constitutes a penal offence by both Albanian and foreign law.

34. In this framework, the Penal Code of the Republic of Albania prescribes as penal offences the following: the trafficking in, the sale, pornography and prostitution of children. Concretely, Article 114/a of this Code stipulates that exploitation of prostitution with minors is an aggravating circumstance and is sentenced by 7 up to 15 years imprisonment. Article 117 specifies that production, dissemination, promotion, importation and sale of pornographic materials in minors premises constitute a penal misdemeanour and is punished by fines or imprisonment up to two years. On the other hand, employment of minors for production of pornographic materials, or their distribution and publication in internet or through other ways and forms, is punished by imprisonment or by fines from one million to five million ALL. Article 128/b lays down that recruitment, sale, transportation, transference, concealment or reception of minors for the purpose of exploiting them for prostitution or other ways of sexual exploitation, or for labour and other compulsory services, for slavery or similar forms of enslavement, utilization or transplantation of their organs, and also other forms of exploitation, are punished by imprisonment from seven up to fifteen years, and by fines from four millions up to six million ALL.

35. With the new amendments made to the Penal Code, under law no. 23/2012, dated 01.03.2012, “On some amendments and changes to law no. 7895, dated 27.01.1995, “The

Penal Code of the Republic of Albania”, revised, Article 124/b, in its first paragraph, specifies that: “Physical or psychological maltreatment of children by their parents, sisters, brothers, grandmothers, grandfathers, by their legal guardians or any other person who is obliged to take care of them, are punished by imprisonment from three months up to two years”.

### **Reply to the issues raised in paragraph 12 of the list of issues**

36. Albanian internal legislation provides for the seizure and confiscation of goods used to commit or facilitate all offences under the Optional Protocol, as well as the proceeds derived from such offences. The legal provisions which foresee this are Articles 30/2 and 36 of the Penal Code, whereas the procedure to be followed in these cases is stipulated in Article 274 of the Criminal Procedures Code.

### **Reply to the issues raised in paragraph 13 of the list of issues.**

37. According to the Albanian legislation, there are means by which the victim may obtain restitution. Articles 61-68 of the Criminal Procedure Code stipulate that the victim has the right to request compensation through the civil suit in the penal process. Articles 625 and 644 of the Civil Code of Albania (CC) stipulate that the victim has the right to be compensated when they have been subjected to damage or have been morally harmed.

38. The Law no.10192, date 3.12.2009 “On the prevention and striking of organized crime and trafficking through preventive measures against the property”, provides another mean by which the victim may obtain restitution. This law foresees the establishment of a Special Fund on preventing organized crime. This fund uses as source, the seized and confiscated assets (assets are seized and confiscated upon the decision of Court). The special Fund is designated for social purposes, including rehabilitation and integration of victims of trafficking (Article 37/2-c). Article 37 /3-b stipulates that from this fund benefit also NGOs, including the shelters. The decision making body for the designation on the use of these assets is the Advisory Interagency Committee on the Measures against Organized Crime. This Committee makes suggestions to the Minister of Finance on the destination of the Special Funds. The Committee has established a working agenda and a body of rules. The Committee holds meeting periodically.

39. Also the Albanian legislation guarantees legal assistance for the categories of persons who need this service including child victims of the offences stipulated in article 3, paragraph 1 of the Optional Protocol. According to Article 11 of Law no.10039, date 22.12.2008 “On legal assistance”, legal assistance from the state is provided by authorized lawyers on the form of primary and secondary legal assistance. The primary legal assistance mainly deals with providing information on the legal system of Albania, meanwhile the secondary legal assistance provides for counseling services; representation and legal protection on penal, civil and administrative proceedings. To benefit from such legal assistance, the person must be part of a program of social protection. The expenses for primary and secondary legal assistance are covered by the state budget or from other legal known sources.

40. Moreover, since 2004 Albania has ratified the European Convention “On compensation of Victims of Violent Crimes” with the Law no. 9265, date 29.07.2004.